



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,237	12/27/2001	Jyrki Hoisko	006474.00004	9105
22907 7590 05/16/2007 BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			EXAMINER AMINI, JAVID A	
			ART UNIT 2628	PAPER NUMBER
			MAIL DATE 05/16/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/034,237

Applicant(s)

HOISKO, JYRKI

Examiner

Javid A. Amini

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

Applicant's arguments with respect to claim 1-48 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19 recites the limitation "the speed" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18, 20, 23-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakata et al. US 2003/0091329, hereinafter Nakata, and in view of Silverbrook et al. US 6,831,682 B1, hereinafter Silverbrook.

Claim 1.

Art Unit: 2628

Nakata in fig. 1 illustrates a method for displaying an image (e.g., see LCD in fig. 1 item 2B) comprising: Nakata at [0078] and [0100] teaches receiving both image data and additional visual effect information (e.g., a plurality of types of image data are display, see paragraph [0100]) at a user equipment of a first user from a device of a second user over a data communication system (e.g., a local area network 10, see fig. 1). Nakata at [0110] generating a visual effect to be presented in association with a version of the image said visual effect being generated based on said visual effect information (e.g., an animation effect for 3D image). Nakata in fig. 1 illustrates displaying in 2B, at said user equipment and after said receiving and generating (Nakata at [0123] teaches a special effect block 53, see fig. 6), a version of said image with said visual effect on a display of the user equipment.

Nakata does not explicitly specify displaying, at said user equipment and after said receiving and generating, the image without said visual effect on the display.

However, Silverbrook at cols. 45 and 46 lines 65-67; 1-2 teaches the claim limitation as the captured image a camera which applied an artistic effect (i.e. similar to a visual effect) to the image, then the artistic effect is recorded so that the image can be reproduced with or without the artistic effect.

Thus, it would have been obvious to a person skill in the art at the time of the invention to combine Silverbrook into Nakata in order to provide a user with an original image even though the original image is severely degraded with visual effects (Silverbrook discloses at col. 44 lines 25-30).

Claim 2.

Art Unit: 2628

Nataka does not explicitly specify the visual effect, however, Silverbrook at col. 30 lines 13-16 teaches for the purpose of efficient distribution and persistent storage a specific page layout (i.e. similar to a visual effect) is separated from the shared objects. It means the image associated with the visual effect is presented before said step of displaying the image without said visual effect.

Thus, it would have been obvious to a person skill in the art at the time of the invention to combine Silverbrook into Nakata in order to provide a user with an original image even though the original image is severely degraded with visual effects (Silverbrook discloses at col. 44 lines 25-30).

Claim 3.

The following step is obvious because first a user should be able to display an image in order to select a visual effect or an artistic effect. Nakata in fig. 5 illustrates the video output can be displayed before any effect, see S19 out4.

Claim 4.

Nakata at [0230] teaches also in fig. 13 set duration.

Claim 5.

Silverbrook at col. 35 lines 24-26 teaches the visual effect visualizes information that is associated with the context or content of the image. Thus, it would have been obvious to a person skill in the art at the time of the invention to combine Silverbrook into Nakata in order to provide a user with an original image even though the original image is severely degraded with visual effects (Silverbrook discloses at col. 44 lines 25-30).

Claim 6.

Art Unit: 2628

Silverbrook in fig. 47 item 412 specify the capture time. Silverbrook at col. 35 lines 24-26 teaches the visual effect visualizes information that is associated with the context or content of the image. Thus, it would have been obvious to a person skill in the art at the time of the invention to combine Silverbrook into Nakata in order to provide a user with an original image even though the original image is severely degraded with visual effects (Silverbrook discloses at col. 44 lines 25-30).

Claim 7.

Regarding the rejection of claim 7 is rejected with similar reason as set forth in claim 1 above.

Claims 8-9.

Silverbrook at cols. 45 and 46 lines 65-67; 1-2 teaches the claim limitation as the captured image a camera which applied an artistic effect (i.e. similar to a visual effect) to the image, then the artistic effect is recorded so that the image can be reproduced with or without the artistic effect. The artistic effect can be any visual effect.

Thus, it would have been obvious to a person skill in the art at the time of the invention to combine Silverbrook into Nakata in order to provide a user with an original image even though the original image is severely degraded with visual effects (Silverbrook discloses at col. 44 lines 25-30).

Claim 10.

Silverbrook in fig. 47 item 408 teaches the claim limitation.

Thus, it would have been obvious to a person skill in the art at the time of the invention to combine Silverbrook into Nakata in order to provide a user with an original image even though

Art Unit: 2628

the original image is severely degraded with visual effects (Silverbrook discloses at col. 44 lines 25-30.

Claim 11.

Nakata in fig. 6, 53A illustrates generating a 3D address for the video processing circuit 52E.

Claim 12.

Silverbrook at col. 40 lines 65-67 teaches the position by measuring the x and y directions. Thus, it would have been obvious to a person skill in the art at the time of the invention to combine Silverbrook into Nakata in order to provide a user with an original image even though the original image is severely degraded with visual effects (Silverbrook discloses at col. 44 lines 25-30.

Claim 13.

Silverbrook at col. 45 lines 55-58 teaches GPS receiver in the camera.

Claim 14.

Silverbrook at col. 2 lines 20-34 teaches a processor of the camera accomplishes processing.

Claim 15.

Silverbrook at col. 45 lines 55-58 teaches GPS receiver in the camera.

Claim 16.

Silverbrook at col. 45 lines 55-58 teaches GPS receiver in the camera.

Claim 17.

Art Unit: 2628

Silverbrook at col. 45 lines 55-58 teaches GPS receiver in the camera. It means determining the latitude and longitude.

Claim 18.

Silverbrook at col. 11 line 35 teaches the claim limitation.

Claim 20

Nakata at [0265] teaches a moving picture.

Claim 23.

Silverbrook in fig. 28 teaches an audio clip object 859.

Claim 24.

Silverbrook at col. 9 lines 40-67 teaches netpage tags.

Claim 25.

Silverbrook in fig. 47 step 409 illustrates an artistic effect, and the artistic effect can be a group of persons.

Claim 26.

It is obvious that the image captured from the image sensor typically uses a device-specific red, green and blue color space, see Silverbrook at col. 54 lines 42-52.

Claim 27.

The step is obvious because the additional information for the image should be associated before transmission of the image data, e.g., to have the position of an image using GPS.

Claim 28.

Nakata in fig. 1 unit 3 and Silverbrook in fig. 10 unit 145 teaches the claim features.

Claim 29.

Art Unit: 2628

Nakata at [0209] teaches the claim features.

Claim 30.

Nakata in fig. 30 illustrates the predefined condition.

Claims 31-32.

Nakata at [0211] teaches in preview mode the line 139 is displayed in red from gray.

Claim 33.

Nakata in fig. 21 item 302 “file name” teaches the claim limitation.

Claim 34.

Nakata at [0110] teaches the special effect is included in the image data.

Claim 35.

Nakata in fig. 19 illustrates the claim limitation.

Claim 36.

Nakata at [0110] teaches the special effect comprises of an animation effect.

Claim 37.

The claim feature is obvious because it does not matter the special effect applies to a distorted version of the image or to undistorted version of the image.

Claim 38.

Nakata at [0081] teaches differently sized version of the image.

Claims 39-40.

Silverbrook at col. 44 lines 36-42 teaches the claim limitation.

Claim 41.

Art Unit: 2628

Claim 41 is rejected with a similar reason as set forth in claim 1 above, except the claim limitation in line 3 of the claim 41. Nakata does not teach the feature, however, Silverbrook at col. 44 lines 36-42 teaches the claim limitation.

Claim 42.

Claim 41 is rejected with a similar reason as set forth in claim 1 above.

Claim 43.

Nakata does not explicitly specify the visual effect, however, Silverbrook at col. 30 lines 13-16 teaches for the purpose of efficient distribution and persistent storage a specific page layout (i.e. similar to a visual effect) is separated from the shared objects. It means the image associated with the visual effect is presented before said step of displaying the image without said visual effect.

Thus, it would have been obvious to a person skill in the art at the time of the invention to combine Silverbrook into Nakata in order to provide a user with an original image even though the original image is severely degraded with visual effects (Silverbrook discloses at col. 44 lines 25-30).

Claim 44.

Nakata does not explicitly specify the visual effect, however, Silverbrook at col. 30 lines 13-16 teaches for the purpose of efficient distribution and persistent storage a specific page layout (i.e. similar to a visual effect) is separated from the shared objects. It means the image associated with the visual effect is presented before said step of displaying the image without said visual effect.

Thus, it would have been obvious to a person skill in the art at the time of the invention to combine Silverbrook into Nakata in order to provide a user with an original image even though the original image is severely degraded with visual effects (Silverbrook discloses at col. 44 lines 25-30).

Claim 45.

Claim 45 is rejected with a similar reason as set forth in claim 1 above, except the claim limitation in lines 4-6 of the claim 45. Nakata does not teach the claim feature, however, Silverbrook at col. 44 lines 36-42 teaches the claim limitation, also see fig. 47.

Claim 46.

Claim 45 is rejected with a similar reason as set forth in claim 1 above.

Claims 47-48.

Silverbrook at col. 35 lines 24-26 teaches the visual effect visualizes information that is associated with the context or content of the image.

Thus, it would have been obvious to a person skill in the art at the time of the invention to combine Silverbrook into Nakata in order to provide a user with an original image even though the original image is severely degraded with visual effects (Silverbrook discloses at col. 44 lines 25-30).

Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakata et al. US 2003/0091329, hereinafter Nakata, and Silverbrook et al. US 6,831,682 B1, hereinafter Silverbrook, and further in view of Yanagita US 2004/0218902 A1, hereinafter Yanagita.

Claim 21.

Nakata and Silverbrook do not explicitly specify the importance latitude and longitude of the image. However, Yanagita in fig. 7 illustrates latitude and longitude of the image.

Thus, it would have been obvious to a person skill in the art at the time of the invention to combine Yanagita into Silverbrook and Nakata in order to provide a user with a combined image of image data and information relating to image data; an input part for inputting metadata representative of a gathering location latitude representative of latitude of a photographing place in connection with image data and position information when image data is photographed. Further, a burden when a photographer or an editor carries out photographing and/or editing is relieved and convenience is improved, information relating to copyright.

Claim 22.

Yanagita in fig. 7 titled the image as an “accident”.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

Art Unit: 2628

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A. Amini whose telephone number is 571-272-7654. The examiner can normally be reached on 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on 571-272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Javid A Amini
Examiner
Art Unit 2628

J.A.

A handwritten signature in black ink, appearing to read 'Kee M. Tung', with a long, sweeping horizontal stroke extending to the right.

KEE M. TUNG
SUPERVISORY PATENT EXAMINER